

STATE OF MICHIGAN  
COURT OF APPEALS

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DEBRA E. MURPHY,

Plaintiff-Appellee,

v

RONALD J. MURPHY,

Defendant-Appellant.

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UNPUBLISHED

August 16, 2007

No. 270578

Monroe Circuit Court

LC No. 03-028554-DM

Before: Smolenski, P.J. and Fitzgerald and Kelly, JJ.

MEMORANDUM.

Defendant appeals as of right the trial court's decision on remand in this divorce case. We affirm.

In a prior appeal, this Court remanded for further proceedings concerning (1) the cost of defendant's payment for COBRA benefits for plaintiff and its effect on the award of alimony; and (2) the treatment of a car awarded to plaintiff in the property division. *Murphy v Murphy*, unpublished opinion per curiam of the Court of Appeals, issued January 19, 2006 (Docket No. 256050). On remand, the trial court modified the divorce judgment with respect to alimony.

Defendant first argues that the trial court violated the law of the case when it raised defendant's alimony obligation. He claims that the court "raised Defendant's alimony obligation from \$1,200 per month to \$1,446.00 per month." Whether the trial court violated the law of the case doctrine is a legal question, which this Court reviews de novo. *Ashker v Ford Motor Co (After Remand)*, 245 Mich App 9, 13; 627 NW2d 1 (2001).

Defendant's argument is not persuasive. First, the court did not "raise[] his alimony obligation from \$1,200 per month to \$1,446.00 per month," as defendant contends. The modified amount of alimony was \$1,144.50. The erroneous figure of \$1,446 a month is referenced in the court's order at page 3, but was part of the court's explanation of its calculation of the modified award. Second, the court's reconsideration of the award of alimony was consistent with this Court's earlier decision, in which we stated, "While the trial court examined all of the relevant factors, because there was no consideration of the cost of COBRA benefits to plaintiff, the issue of alimony is left open to the trial court should it determine that a reduction or elimination of alimony is necessary to achieve its stated goal of an equal distribution." *Murphy*, *supra*, slip op, p 2.

Defendant also contends that the trial court's finding that the car awarded to plaintiff had no value was clearly erroneous. This Court reviews the trial court's findings of fact for clear error. *Sparks v Sparks*, 440 Mich 141, 149-150; 485 NW2d 893 (1992).

The premise of defendant's argument is that the trial court erroneously maintained that the car had no value. However, the trial court indicated in its decision that it recognized that the car had some value at the time of trial. The court then concluded that awarding the car to plaintiff produced a fair and equitable property division. Defendant does not challenge the latter determination. His argument that the court clearly erred in finding that the car had no value is misguided because the court did not make that finding.

Affirmed.

/s/ Michael R. Smolenski  
/s/ E. Thomas Fitzgerald  
/s/ Kirsten Frank Kelly